

who may remove them and appoint others.

Governor of Newfoundland may appoint judges in certain cases.

Heirs and Successors : Provided always, That it shall be lawful for His Majesty, His Heirs and Successors, from time to time as occasion may require, to remove and displace any such chief judge or assistant judge as aforesaid, and in his stead to appoint any other fit and proper person, being a barrister as aforesaid, to be the chief judge or assistant judge of the said court, as the case may be : And provided also, That in case any such chief judge or assistant judge shall be absent from *Newfoundland*, or die, or resign such his office, or by reason of sickness or otherwise shall become incapable of performing the duties thereof, then and in every such case, it shall be lawful for the governor or acting governor of *Newfoundland* for the time being, to nominate and appoint some fit and proper person to act as chief judge or assistant judge, as the case may be, in the place or stead of the judge so being absent, dying, resigning his office, or becoming incapable of performing the duties thereof, until such judge shall resume the duties of his office, or until a successor shall be appointed by His Majesty, His Heirs and Successors ; and the said chief judge and assistant judges shall respectively have and exercise such and the like powers and authorities in *Newfoundland*, and in all places dependent upon the government thereof, as any judge of any of His Majesty's said courts of King's Bench, Common Pleas, and Exchequer, or as the Lord High Chancellor of *Great Britain*, hath or exercises in *England*.

3

Issues of fact to be tried at Saint John's by a jury.

And be it further Enacted, That all issues of fact which may be joined between the parties in any action at law, originally brought before the said Supreme Court of Record, or which may be joined upon any criminal information or prosecution depending in that court, shall be tried at the Town of *Saint John's*, in the Island of *Newfoundland*, by a jury of twelve men ; and for the purpose of hearing and trying all suits, actions, and all informations prosecutions and other proceedings, of what nature or kind soever, which may be brought or commenced in the said Supreme Court, one or more term or terms, or session or sessions of the said court, shall be held at the town of *Saint John's* aforesaid, in each year, by the said chief judge and assistant judges, at such times as the governor or acting governor of the said colony shall from time to time, by any proclamation to be by him for that purpose issued, direct and appoint.

4

Appointment of felmons.

Actions in breach of any law relating to trade of the British Colonies in America, to be tried according to proceedings in courts of Vice Admiralty.

And be it further Enacted, That as often as any information action or suit shall be brought or prosecuted before the said Supreme Court, for the breach or violation of any law relating to the trade or revenue of the *British* colonies or plantations in *America*, such information action or suit shall be heard and determined by the said court, according to the course of proceeding in similar cases in the courts of vice admiralty in the said colonies or plantations ; and that it shall and may be lawful for the party or parties feeling aggrieved by the judgment or decree of the said Supreme Court, in any such case, to appeal from such judgment or decree to the High Court of Admiralty, or to His Majesty in Council, under such and the like rules and regulations as are observed in appeals from the said courts of vice admiralty.

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And